



**Service of Process  
Transmittal**

12/14/2017

CT Log Number 532472260

**TO:** Steve Reed  
Res-Care, Inc.  
9901 Linn Station Rd  
Louisville, KY 40223-3808

**RE: Process Served in West Virginia**

**FOR:** ResCare Behavior Services, Inc. (Former Name) (Domestic State: DE)  
SpringHealth Integrated Care, Inc. (True Name)

**ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:**

**TITLE OF ACTION:** Dwan L. Brown, by his Conservator and Guardian, Hollie J. Brown, et al.,  
Pltfs. vs. Res-Care, Inc., et al., Dfts. // To: ResCare Behavior Services, Inc.

**DOCUMENT(S) SERVED:** Letter, Summons, Amended Complaint

**COURT/AGENCY:** Kanawha County Circuit Court, WV  
Case # 17C1519

**NATURE OF ACTION:** Medical Injury - Improper Care and Treatment

**ON WHOM PROCESS WAS SERVED:** C T Corporation System, Charleston, WV

**DATE AND HOUR OF SERVICE:** By Certified Mail on 12/14/2017 postmarked on 12/12/2017

**JURISDICTION SERVED :** West Virginia

**APPEARANCE OR ANSWER DUE:** Within 30 days after service of this summons, exclusive of the day of service

**ATTORNEY(S) / SENDER(S):** Andrew S. Nason  
Pepper & Nason  
8 Hale Street  
Charleston, WV 25301  
304-346-0361

**ACTION ITEMS:** CT has retained the current log, Retain Date: 12/15/2017, Expected Purge Date:  
12/20/2017

Image SOP

Email Notification, Steve Reed Steve.Reed@rescare.com

Email Notification, Sarah Potter sarah.potter@rescare.com

Email Notification, Brittany Buzick brittany.buzick@rescare.com

Email Notification, Jeff Chapuran jeff.chapuran@rescare.com

Email Notification, Deanna Atchley Deanna.Atchley@rescare.com

**SIGNED:** C T Corporation System

**ADDRESS:** 5400 D Big Tyler Road  
Charleston, WV 25313

**TELEPHONE:** 919-821-7139

Page 1 of 2 / BR

Information displayed on this transmittal is for CT Corporation's record keeping purposes only and is provided to the recipient for quick reference. This information does not constitute a legal opinion as to the nature of action, the amount of damages, the answer date, or any information contained in the documents themselves. Recipient is responsible for interpreting said documents and for taking appropriate action. Signatures on certified mail receipts confirm receipt of package only, not contents.





**Service of Process  
Transmittal**

12/14/2017

CT Log Number 532472260

**TO:** Steve Reed  
Res-Care, Inc.  
9901 Linn Station Rd  
Louisville, KY 40223-3808

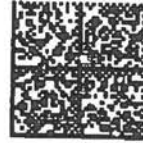
**RE: Process Served in West Virginia**

**FOR:** ResCare Behavior Services, Inc. (Former Name) (Domestic State: DE)  
SpringHealth Integrated Care, Inc. (True Name)

**DOCKET HISTORY:**

<b>DOCUMENT(S) SERVED:</b>	<b>DATE AND HOUR OF SERVICE:</b>	<b>TO:</b>	<b>CT LOG NUMBER:</b>
Letter, Summons, Complaint	By Certified Mail on 12/04/2017 postmarked on 12/01/2017	Steve Reed Res-Care, Inc.	532410102

CERTIFIED MAIL



U.S. POSTAGE PITNEY BOWES



ZIP 25311 \$ 005.99<sup>0</sup>  
02 4th  
0000336734 DEC 12 2017



Office of the Secretary of State  
Building 1 Suite 157-K  
1900 Kanawha Blvd E.  
Charleston, WV 25305

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9214 8901 1251 3410 0002 1974 80



**Mac Warner**  
Secretary of State  
State of West Virginia  
Phone: 304-558-6000  
886-767-8883  
Visit us online:  
[www.wvsos.com](http://www.wvsos.com)

RESCARE BEHAVIOR SERVICES, INC.  
C. T. Corporation System  
5400 D Big Tyler Road  
CHARLESTON, WV 25313

Control Number: 207119

Defendant: RESCARE BEHAVIOR SERVICES,  
INC.  
5400 D Big Tyler Road  
CHARLESTON, WV 25313 US

Agent: C. T. Corporation System

County: Kanawha

Civil Action: 17-C-1519

Certified Number: 92148901125134100002197480

Service Date: 12/11/2017

I am enclosing:

**1 summons and amended complaint**

which was served on the Secretary at the State Capitol as your statutory attorney-in-fact. According to law, I have accepted service of process in the name and on behalf of your corporation.

*Please note that this office has no connection whatsoever with the enclosed documents other than to accept service of process in the name and on behalf of your corporation as your attorney-in-fact. Please address any questions about this document directly to the court or the plaintiff's attorney, shown in the enclosed paper, not to the Secretary of State's office.*

Sincerely,

Mac Warner  
Secretary of State





IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

DWAN L. BROWN, by his Conservator  
and Guardian, HOLLIE J. BROWN and  
GLORIA BROWN, and HOLLIE J. BROWN  
and GLORIA BROWN,

Plaintiffs,

v.

CIVIL ACTION NO. 17-C-1519

RES-CARE, INC., SOUTHERN HOME  
CARE SERVICES, INC. d/b/a RESCARE,  
HOME CARE, and RESCARE BEHAVIOR  
SERVICES, INC.,

Defendants.

**AMENDED COMPLAINT**

Holly J. Brown and Gloria Brown, individually and as Guardian and Conservator for Dwan L. Brown, claimants herein, by and through counsel state as follows:

1. That the Plaintiff, Dwan L. Brown, is a protected person and a resident of Kanawha County, West Virginia.
2. That Hollie J. Brown and Gloria Brown are the parents of Dwan L. Brown and are the duly-appointed conservator and Guardian of Dwan L. Brown by Order of the Circuit Court of Kanawha County, West Virginia entered on March 11, 2016.
3. That Res-Care, Inc. is, on information and belief, the parent corporation; that Rescare, Home Care is the trade name for Southern Home Care Services, Inc. and Rescare Behavior Services, Inc. are, on information and belief, providing services to the Plaintiff.
4. That all of the Defendants herein are Kentucky corporations, or corporations licensed and/or authorized to conduct business in the State of West Virginia, and at all times relevant to the complaint herein were providing residential care services and other care services in Kanawha County, West Virginia and operate a facility in St. Albans, West Virginia at 222 Hudson Street, St. Albans, West Virginia providing personal care services to disabled West Virginians.
5. That at all times relevant herein the Defendants owned and operated that personal care home located at 222 Hudson Street, St. Albans, Kanawha County, West Virginia.

**FILED**  
2017 DEC -5 A 11:33  
CATHY S. GATSON, CLERK  
KANAWHA COUNTY CIRCUIT COURT

6. That Dwan L. Brown was a resident of the personal care home Defendants owned and operated as a care home, personal care home which provide shelter, sustenance, therapy dispenses medication, and provides other care services at the Defendants' care home for the period from up to the time of his admission to Thomas Memorial Hospital on November 4, 2015 and thereafter.

7. That at all times relevant, the Defendants employed various medical providers, care provider, therapeutic and professional staff at their care home, and these employees/servants/agents whose names and identities are not yet fully known due to the illegible nature of the Defendants' records, were acting within the scope of their employment when they rendered care to Swan Brown, and they failed to follow the applicable standard of care during their care and treatment of Dwan Brown at the 222 Hudson Street, St. Albans, West Virginia, which proximately resulted in a physical injury to Dwan Brown and proximately cause injury and resulting in medical treatment.

8. That the acts of negligence or malpractice occasioned by the Defendants that proximately resulted in the injury to Dwan Brown, occurred on or about November 4, 2015.

9. That the standard of medical/supervised care applicable to the Defendants was to provide the proper daily care, supervision and oversight to prevent him from having access to and swallowing foreign objects in his daily activities which resulted in foreign objects being ingested by him which was resulted in a surgical procedure to remove those objects.

10. As a direct and proximate result of the Defendants' actions, by and through their employees/servants/agents, by breaching the applicable standard of care owed to Dwan Brown by failing to provide all of the proper care, supervision and protection, Dwan Brown sustained a physical injury to his body resulting in invasive surgery.

11. That as a direct and proximate result of the breach of the applicable standard of medical care by the Defendants, by and through their employees/servants/agents, Dwan Brown 1) suffered conscious pain and suffering in the past; 2) incurred medical expenses in the past; 3) suffered mental anguish; and 4) suffered physical injuries.

12. That all of the injuries and damages sustained by Dwan Brown are, by and through his parents and legal guardians and conservators, were the direct and proximate result of the negligent actions and breaches of the applicable standards of



care by all of the Defendants, by and through their employees/servants/agents, without any act or omission on the part of Dwan Brown, or on the part of any of the Plaintiffs herein, directly thereunto contributing.

13. That Dwan Brown and all of the Plaintiffs herein did not assume the risk of the injuries to Dwan Brown.

14. The Plaintiffs have complied with their statutory prefiling requirements, required by West Virginia statutory law.

**COUNT I: NEGLIGENCE - BREACH OF THE STANDARD OF CARE**

The Plaintiffs reallege and incorporate by reference herein all of the allegations contained in paragraphs 1 through 12 above.

15. That on or before November 4, 2015 and thereafter, the Defendants, by and through their employees/servants/agents breached the applicable standard of care owed to Dwan Brown, which directly caused a physical injury to the patient and was the direct and proximate cause of all of the injuries and damages being pursued by the Plaintiffs in the case at bar.

WHEREFORE, the Plaintiffs claim monetary damages up to the statutory amount against the Defendants individually in an amount to be determined at trial, plus costs, and for any further relief that this Honorable Court determines necessary and appropriate.

DWAN L. BROWN, by his Conservator  
and Guardian, HOLLIE J. BROWN and  
GLORIA BROWN, and HOLLIE J. BROWN  
and GLORIA BROWN,

By Counsel



---

Andrew S. Nason (WV Bar No. 2707)  
Pepper & Nason  
8 Hale Street  
Charleston, WV 25301  
304-346-0361  
*Counsel for Plaintiffs*





**Service of Process  
Transmittal**

12/14/2017

CT Log Number 532471754

**TO:** Steve Reed  
Res-Care, Inc.  
9901 Linn Station Rd  
Louisville, KY 40223-3808

**RE: Process Served in West Virginia**

**FOR:** Res-Care, Inc. (Domestic State: KY)

**ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:**

**TITLE OF ACTION:** DWAN L. BROWN, etc., et al., Pltfs. vs. RES-CARE, INC., et al., Dfts.

**DOCUMENT(S) SERVED:** Letter, Summons, Complaint

**COURT/AGENCY:** Kanawha County Circuit Court, WV  
Case # 17C1519

**NATURE OF ACTION:** Medical Injury - Improper Care and Treatment

**ON WHOM PROCESS WAS SERVED:** C T Corporation System, Charleston, WV

**DATE AND HOUR OF SERVICE:** By Certified Mail on 12/14/2017 postmarked on 12/12/2017

**JURISDICTION SERVED :** West Virginia

**APPEARANCE OR ANSWER DUE:** Within 30 days after service, exclusive of the day of service

**ATTORNEY(S) / SENDER(S):** Andrew S. Nason  
Pepper & Nason  
8 Hale Street  
Charleston, WV 25301  
304-346-0361

**ACTION ITEMS:** CT has retained the current log, Retain Date: 12/15/2017, Expected Purge Date: 12/20/2017

Image SOP

Email Notification, Steve Reed Steve.Reed@rescare.com

Email Notification, Sarah Potter sarah.potter@rescare.com

Email Notification, Brittany Buzick brittany.buzick@rescare.com

Email Notification, Jeff Chapuran jeff.chapuran@rescare.com

Email Notification, Deanna Atchley Deanna.Atchley@rescare.com

**SIGNED:** C T Corporation System

**ADDRESS:** 5400 D Big Tyler Road  
Charleston, WV 25313

**TELEPHONE:** 919-821-7139

**CERTIFIED MAIL**



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Office of the Secretary of State  
Building 1 Suite 157-K  
1900 Kanawha Blvd E.  
Charleston, WV 25305

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**Mac Warner**  
Secretary of State  
State of West Virginia  
Phone: 304-558-6000  
866-767-8683  
Visit us online:  
[www.wvsos.com](http://www.wvsos.com)

RES-CARE, INC.  
C. T. Corporation System  
5400 D Big Tyler Road  
CHARLESTON, WV 25313

Control Number: 207117

Defendant: RES-CARE, INC.  
5400 D Big Tyler Road  
CHARLESTON, WV 25313 US

Agent: C. T. Corporation System

County: Kanawha

Civil Action: 17-C-1519

Certified Number: 92148901125134100002197466

Service Date: 12/11/2017

I am enclosing:

**1 summons and amended complaint**

which was served on the Secretary at the State Capitol as your statutory attorney-in-fact. According to law, I have accepted service of process in the name and on behalf of your corporation.

*Please note that this office has no connection whatsoever with the enclosed documents other than to accept service of process in the name and on behalf of your corporation as your attorney-in-fact. Please address any questions about this document directly to the court or the plaintiff's attorney, shown in the enclosed paper, not to the Secretary of State's office.*

Sincerely,

Mac Warner  
Secretary of State



SUMMONS

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

DWAN L. BROWN, by his Conservator  
and Guardian, HOLLIE J. BROWN and  
GLORIA BROWN, and HOLLIE J. BROWN  
and GLORIA BROWN,

Plaintiffs,

v.

CIVIL ACTION NO. 17-C-1519

RES-CARE, INC., SOUTHERN HOME  
CARE SERVICES, INC. d/b/a RESCARE,  
HOME CARE, and RESCARE BEHAVIOR  
SERVICES, INC.,

Defendants.

To the above-named Defendant: **RES-CARE, INC.**  
**C/O CT CORPORATION SYSTEM**  
**5400 D BIG TYLER ROAD**  
**CHARLESTON, WV 25313**

ACCEPTED FOR  
SERVICE OF PROCESS  
2017 DEC 11 P 12:18  
SECRETARY OF STATE  
STATE OF WEST VIRGINIA

IN THE NAME OF THE STATE OF WEST VIRGINIA, you are hereby summoned and required to serve upon **ANDREW S. NASON**, Plaintiff's attorney, whose address is **8 Hale Street, Charleston, West Virginia 25301**, an answer, including any related counterclaim you may have, to the Amended Complaint filed against you in the above-styled civil action, a true copy of which is herewith delivered to you. You are required to serve your answer within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint and you will be thereafter barred from asserting in another action any claim you may have which must be asserted by counterclaim in the above styled civil action.

Dated: 12-6-17

**Cathy S. Gatson, Clerk**

CLERK OF COURT

*S. Lubin*

By: Deputy Clerk

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

DWAN L. BROWN, by his Conservator  
and Guardian, HOLLIE J. BROWN and  
GLORIA BROWN, and HOLLIE J. BROWN  
and GLORIA BROWN,

**FILED**  
2017 DEC -5 A 11:33

CATHY S. GATSON, CLERK  
KANAWHA COUNTY CIRCUIT COURT

Plaintiffs,

v.

CIVIL ACTION NO. 17-C-1519

RES-CARE, INC., SOUTHERN HOME  
CARE SERVICES, INC. d/b/a RESCARE,  
HOME CARE, and RESCARE BEHAVIOR  
SERVICES, INC.,

Defendants.

**AMENDED COMPLAINT**

Holly J. Brown and Gloria Brown, individually and as Guardian and Conservator for Dwan L. Brown, claimants herein, by and through counsel state as follows:

1. That the Plaintiff, Dwan L. Brown, is a protected person and a resident of Kanawha County, West Virginia.

2. That Hollie J. Brown and Gloria Brown are the parents of Dwan L. Brown and are the duly-appointed conservator and Guardian of Dwan L. Brown by Order of the Circuit Court of Kanawha County, West Virginia entered on March 11, 2016.

3. That Res-Care, Inc. is, on information and belief, the parent corporation; that Rescare, Home Care is the trade name for Southern Home Care Services, Inc. and Rescare Behavior Services, Inc. are, on information and belief, providing services to the Plaintiff.

4. That all of the Defendants herein are Kentucky corporations, or corporations licensed and/or authorized to conduct business in the State of West Virginia, and at all times relevant to the complaint herein were providing residential care services and other care services in Kanawha County, West Virginia and operate a facility in St. Albans, West Virginia at 222 Hudson Street, St. Albans, West Virginia providing personal care services to disabled West Virginians.

5. That at all times relevant herein the Defendants owned and operated that personal care home located at 222 Hudson Street, St. Albans, Kanawha County, West Virginia.



6. That Dwan L. Brown was a resident of the personal care home Defendants owned and operated as a care home, personal care home which provide shelter, sustenance, therapy dispenses medication, and provides other care services at the Defendants' care home for the period from up to the time of his admission to Thomas Memorial Hospital on November 4, 2015 and thereafter.

7. That at all times relevant, the Defendants employed various medical providers, care provider, therapeutic and professional staff at their care home, and these employees/servants/agents whose names and identities are not yet fully known due to the illegible nature of the Defendants' records, were acting within the scope of their employment when they rendered care to Swan Brown, and they failed to follow the applicable standard of care during their care and treatment of Dwan Brown at the 222 Hudson Street, St. Albans, West Virginia, which proximately resulted in a physical injury to Dwan Brown and proximately cause injury and resulting in medical treatment.

8. That the acts of negligence or malpractice occasioned by the Defendants that proximately resulted in the injury to Dwan Brown, occurred on or about November 4, 2015.

9. That the standard of medical/supervised care applicable to the Defendants was to provide the proper daily care, supervision and oversight to prevent him from having access to and swallowing foreign objects in his daily activities which resulted in foreign objects being ingested by him which was resulted in a surgical procedure to remove those objects.

10. As a direct and proximate result of the Defendants' actions, by and through their employees/servants/agents, by breaching the applicable standard of care owed to Dwan Brown by failing to provide all of the proper care, supervision and protection, Dwan Brown sustained a physical injury to his body resulting in invasive surgery.

11. That as a direct and proximate result of the breach of the applicable standard of medical care by the Defendants, by and through their employees/servants/agents, Dwan Brown 1) suffered conscious pain and suffering in the past; 2) incurred medical expenses in the past; 3) suffered mental anguish; and 4) suffered physical injuries.

12. That all of the injuries and damages sustained by Dwan Brown are, by and through his parents and legal guardians and conservators, were the direct and proximate result of the negligent actions and breaches of the applicable standards of



care by all of the Defendants, by and through their employees/servants/agents, without any act or omission on the part of Dwan Brown, or on the part of any of the Plaintiffs herein, directly thereunto contributing.

13. That Dwan Brown and all of the Plaintiffs herein did not assume the risk of the injuries to Dwan Brown.

14. The Plaintiffs have complied with their statutory prefiling requirements required by West Virginia statutory law.

**COUNT I: NEGLIGENCE - BREACH OF THE STANDARD OF CARE**

The Plaintiffs reallege and incorporate by reference herein all of the allegations contained in paragraphs 1 through 12 above.

15. That on or before November 4, 2015 and thereafter, the Defendants, by and through their employees/servants/agents breached the applicable standard of care owed to Dwan Brown, which directly caused a physical injury to the patient and was the direct and proximate cause of all of the injuries and damages being pursued by the Plaintiffs in the case at bar.

WHEREFORE, the Plaintiffs claim monetary damages up to the statutory amount against the Defendants individually in an amount to be determined at trial, plus costs, and for any further relief that this Honorable Court determines necessary and appropriate.

DWAN L. BROWN, by his Conservator  
and Guardian, HOLLIE J. BROWN and  
GLORIA BROWN, and HOLLIE J. BROWN  
and GLORIA BROWN.

By Counsel



---

Andrew S. Nason (WV Bar No. 2707)  
Pepper & Nason  
8 Hale Street  
Charleston, WV 25301  
304-346-0361  
Counsel for Plaintiffs



**Service of Process  
Transmittal**

12/14/2017

CT Log Number 532472142

**TO:** Steve Reed  
Res-Care, Inc.  
9901 Linn Station Rd  
Louisville, KY 40223-3808

**RE: Process Served in West Virginia**

**FOR:** Southern Home Care Services, Inc. (Domestic State: DE)

**ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:**

**TITLE OF ACTION:** DWAN L. BROWN, by his Conservator and Guardian, HOLLIE J. BROWN, et al.,  
Pltfs. vs. RES-CARE, INC., et al., Dfts. // To: Southern Home Care Services, Inc.

**DOCUMENT(S) SERVED:** Letter(s), Summons, Amended Complaint

**COURT/AGENCY:** Kanawha County Circuit Court, WV  
Case # 17C1519

**NATURE OF ACTION:** Medical Injury - Improper Care and Treatment

**ON WHOM PROCESS WAS SERVED:** C T Corporation System, Charleston, WV

**DATE AND HOUR OF SERVICE:** By Certified Mail on 12/14/2017 postmarked on 12/12/2017

**JURISDICTION SERVED :** West Virginia

**APPEARANCE OR ANSWER DUE:** Within 30 days after service, exclusive of the day of service

**ATTORNEY(S) / SENDER(S):** Andrew S. Nason  
Pepper & Nason  
8 Hale Street  
Charleston, WV 25301  
304-346-0361

**ACTION ITEMS:** CT has retained the current log, Retain Date: 12/15/2017, Expected Purge Date:  
12/20/2017

Image SOP

Email Notification, Steve Reed Steve.Reed@rescare.com

Email Notification, Sarah Potter sarah.potter@rescare.com

Email Notification, Brittany Buzick brittany.buzick@rescare.com

Email Notification, Jeff Chapuran jeff.chapuran@rescare.com

Email Notification, Deanna Atchley Deanna.Atchley@rescare.com

**SIGNED:** C T Corporation System

**ADDRESS:** 5400 D Big Tyler Road  
Charleston, WV 25313

**TELEPHONE:** 919-821-7139

CERTIFIED MAIL



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0000336734 DEC 12 2017



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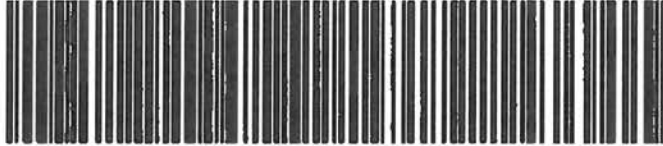


Office of the Secretary of State  
Building 1 Suite 157-K  
1900 Kanawha Blvd E.  
Charleston, WV 25305



**Mac Warner**  
Secretary of State  
State of West Virginia  
Phone: 304-558-6000  
886-767-8683  
Visit us online:  
[www.wvsos.com](http://www.wvsos.com)

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9214 8901 1251 3410 0002 1974 73

SOUTHERN HOME CARE SERVICES, INC.  
C. T. Corporation System  
5400 D Big Tyler Road  
CHARLESTON, WV 25313

**Control Number:** 207118

**Defendant:** SOUTHERN HOME CARE  
SERVICES, INC.  
5400 D Big Tyler Road  
CHARLESTON, WV 25313 US

**Agent:** C. T. Corporation System

**County:** Kanawha

**Civil Action:** 17-C-1519

**Certified Number:** 92148901125134100002197473

**Service Date:** 12/11/2017

I am enclosing:

**1 summons and amended complaint**

which was served on the Secretary at the State Capitol as your statutory attorney-in-fact. According to law, I have accepted service of process in the name and on behalf of your corporation.

*Please note that this office has no connection whatsoever with the enclosed documents other than to accept service of process in the name and on behalf of your corporation as your attorney-in-fact. Please address any questions about this document directly to the court or the plaintiff's attorney, shown in the enclosed paper, not to the Secretary of State's office.*

Sincerely,

A handwritten signature in cursive script that reads "Mac Warner".

Mac Warner  
Secretary of State

SUMMONS

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

DWAN L. BROWN, by his Conservator  
and Guardian, HOLLIE J. BROWN and  
GLORIA BROWN, and HOLLIE J. BROWN  
and GLORIA BROWN,

Plaintiffs,

v.

CIVIL ACTION NO. 17-C-

RES-CARE, INC., SOUTHERN HOME  
CARE SERVICES, INC. d/b/a RESCARE,  
HOME CARE, and RESCARE BEHAVIOR  
SERVICES, INC.,

Defendants.

To the above-named Defendant: **SOUTHERN HOME CARE SERVICES, INC. d/b/a  
RESCARE, HOME CARE  
C/O CT CORPORATION SYSTEM  
5400 D BIG TYLER ROAD  
CHARLESTON, WV 25313**

IN THE NAME OF THE STATE OF WEST VIRGINIA, you are hereby summoned and required to serve upon **ANDREW S. NASON**, Plaintiff's attorney, whose address is **8 Hale Street, Charleston, West Virginia 25301**, an answer, including any related counterclaim you may have, to the Amended Complaint filed against you in the above-styled civil action, a true copy of which is herewith delivered to you. You are required to serve your answer within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint and you will be thereafter barred from asserting in another action any claim you may have which must be asserted by counterclaim in the above styled civil action.

Dated: 12-6-17

**Cathy S. Gatson, Clerk**

CLERK OF COURT

S. Lubin

By: Deputy Clerk

ACCEPTED FOR  
SERVICE OF PROCESS  
2017 DEC 11 P 12:15  
SECRETARY OF STATE  
STATE OF WEST VIRGINIA

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

DWAN L. BROWN, by his Conservator  
and Guardian, HOLLIE J. BROWN and  
GLORIA BROWN, and HOLLIE J. BROWN  
and GLORIA BROWN,

Plaintiffs,

v.

RES-CARE, INC., SOUTHERN HOME  
CARE SERVICES, INC. d/b/a RESCARE,  
HOME CARE, and RESCARE BEHAVIOR  
SERVICES, INC.,

Defendants.

**FILED**

*RCG*

2017 DEC -5 A 11: 33

CATHY S. GATSON, CLERK  
KANAWHA COUNTY CIRCUIT COURT

CIVIL ACTION NO. 17-C-1519

**AMENDED COMPLAINT**

Holly J. Brown and Gloria Brown, individually and as Guardian and Conservator for Dwan L. Brown, claimants herein, by and through counsel state as follows:

1. That the Plaintiff, Dwan L. Brown, is a protected person and a resident of Kanawha County, West Virginia.
2. That Hollie J. Brown and Gloria Brown are the parents of Dwan L. Brown and are the duly-appointed conservator and Guardian of Dwan L. Brown by Order of the Circuit Court of Kanawha County, West Virginia entered on March 11, 2016.
3. That Res-Care, Inc. is, on information and belief, the parent corporation; that Rescare, Home Care is the trade name for Southern Home Care Services, Inc. and Rescare Behavior Services, Inc. are, on information and belief, providing services to the Plaintiff.
4. That all of the Defendants herein are Kentucky corporations, or corporations licensed and/or authorized to conduct business in the State of West Virginia, and at all times relevant to the complaint herein were providing residential care services and other care services in Kanawha County, West Virginia and operate a facility in St. Albans, West Virginia at 222 Hudson Street, St. Albans, West Virginia providing personal care services to disabled West Virginians.
5. That at all times relevant herein the Defendants owned and operated that personal care home located at 222 Hudson Street, St. Albans, Kanawha County, West Virginia.



6. That Dwan L. Brown was a resident of the personal care home Defendants owned and operated as a care home, personal care home which provide shelter, sustenance, therapy dispenses medication, and provides other care services at the Defendants' care home for the period from up to the time of his admission to Thomas Memorial Hospital on November 4, 2015 and thereafter.

7. That at all times relevant, the Defendants employed various medical providers, care provider, therapeutic and professional staff at their care home, and these employees/servants/agents whose names and identities are not yet fully known due to the illegible nature of the Defendants' records, were acting within the scope of their employment when they rendered care to Swan Brown, and they failed to follow the applicable standard of care during their care and treatment of Dwan Brown at the 222 Hudson Street, St. Albans, West Virginia, which proximately resulted in a physical injury to Dwan Brown and proximately cause injury and resulting in medical treatment.

8. That the acts of negligence or malpractice occasioned by the Defendants that proximately resulted in the injury to Dwan Brown, occurred on or about November 4, 2015.

9. That the standard of medical/supervised care applicable to the Defendants was to provide the proper daily care, supervision and oversight to prevent him from having access to and swallowing foreign objects in his daily activities which resulted in foreign objects being ingested by him which was resulted in a surgical procedure to remove those objects.

10. As a direct and proximate result of the Defendants' actions, by and through their employees/servants/agents, by breaching the applicable standard of care owed to Dwan Brown by failing to provide all of the proper care, supervision and protection, Dwan Brown sustained a physical injury to his body resulting in invasive surgery.

11. That as a direct and proximate result of the breach of the applicable standard of medical care by the Defendants, by and through their employees/servants/agents, Dwan Brown 1) suffered conscious pain and suffering in the past; 2) incurred medical expenses in the past; 3) suffered mental anguish; and 4) suffered physical injuries.

12. That all of the injuries and damages sustained by Dwan Brown are, by and through his parents and legal guardians and conservators, were the direct and proximate result of the negligent actions and breaches of the applicable standards of

care by all of the Defendants, by and through their employees/servants/agents, without any act or omission on the part of Dwan Brown, or on the part of any of the Plaintiffs herein, directly thereunto contributing.

13. That Dwan Brown and all of the Plaintiffs herein did not assume the risk of the injuries to Dwan Brown.

14. The Plaintiffs have complied with their statutory prefiling requirements, required by West Virginia statutory law.

**COUNT I: NEGLIGENCE - BREACH OF THE STANDARD OF CARE**

The Plaintiffs reallege and incorporate by reference herein all of the allegations contained in paragraphs 1 through 12 above.

15. That on or before November 4, 2015 and thereafter, the Defendants, by and through their employees/servants/agents breached the applicable standard of care owed to Dwan Brown, which directly caused a physical injury to the patient and was the direct and proximate cause of all of the injuries and damages being pursued by the Plaintiffs in the case at bar.

WHEREFORE, the Plaintiffs claim monetary damages up to the statutory amount against the Defendants individually in an amount to be determined at trial, plus costs, and for any further relief that this Honorable Court determines necessary and appropriate.

DWAN L. BROWN, by his Conservator  
and Guardian, HOLLIE J. BROWN and  
GLORIA BROWN, and HOLLIE J. BROWN  
and GLORIA BROWN,

By Counsel



---

Andrew S. Nason (WV Bar No. 2707)  
Pepper & Nason  
8 Hale Street  
Charleston, WV 25301  
304-346-0361  
*Counsel for Plaintiffs*



**Service of Process  
Transmittal**

12/04/2017

CT Log Number 532410102

**TO:** Steve Reed  
Res-Care, Inc.  
9901 Linn Station Rd  
Louisville, KY 40223-3808

**RE: Process Served in West Virginia**

**FOR:** ResCare Behavior Services, Inc. (Former Name) (Domestic State: DE)  
SpringHealth Integrated Care, Inc. (True Name)

**ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:**

**TITLE OF ACTION:** Dwan L. Brown, by his Conservator and Guardian, Hollie J. Brown, et al.,  
Pltfs. vs. Res-Care, Inc., et al., Dfts. // To: ResCare Behavior Services, Inc.

**DOCUMENT(S) SERVED:** Letter, Summons, Complaint

**COURT/AGENCY:** Kanawha County Circuit Court, WV  
Case # 17C1519

**NATURE OF ACTION:** Medical Injury - Improper Care and Treatment

**ON WHOM PROCESS WAS SERVED:** C T Corporation System, Charleston, WV

**DATE AND HOUR OF SERVICE:** By Certified Mail on 12/04/2017 postmarked on 12/01/2017

**JURISDICTION SERVED :** West Virginia

**APPEARANCE OR ANSWER DUE:** Within 30 days after service of this summons, exclusive of the day of service

**ATTORNEY(S) / SENDER(S):** Andrew S. Nason  
Pepper & Nason  
8 Hale Street  
Charleston, WV 25301  
304-346-0361

**ACTION ITEMS:** CT has retained the current log, Retain Date: 12/05/2017, Expected Purge Date:  
12/10/2017

Image SOP

Email Notification, Steve Reed Steve.Reed@rescare.com

Email Notification, Sarah Potter sarah.potter@rescare.com

Email Notification, Brittany Buzick brittany.buzick@rescare.com

Email Notification, Jeff Chapuran jeff.chapuran@rescare.com

Email Notification, Deanna Atchley Deanna.Atchley@rescare.com

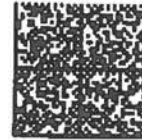
**SIGNED:** C T Corporation System

**ADDRESS:** 5400 D Big Tyler Road  
Charleston, WV 25313

**TELEPHONE:** 919-821-7139

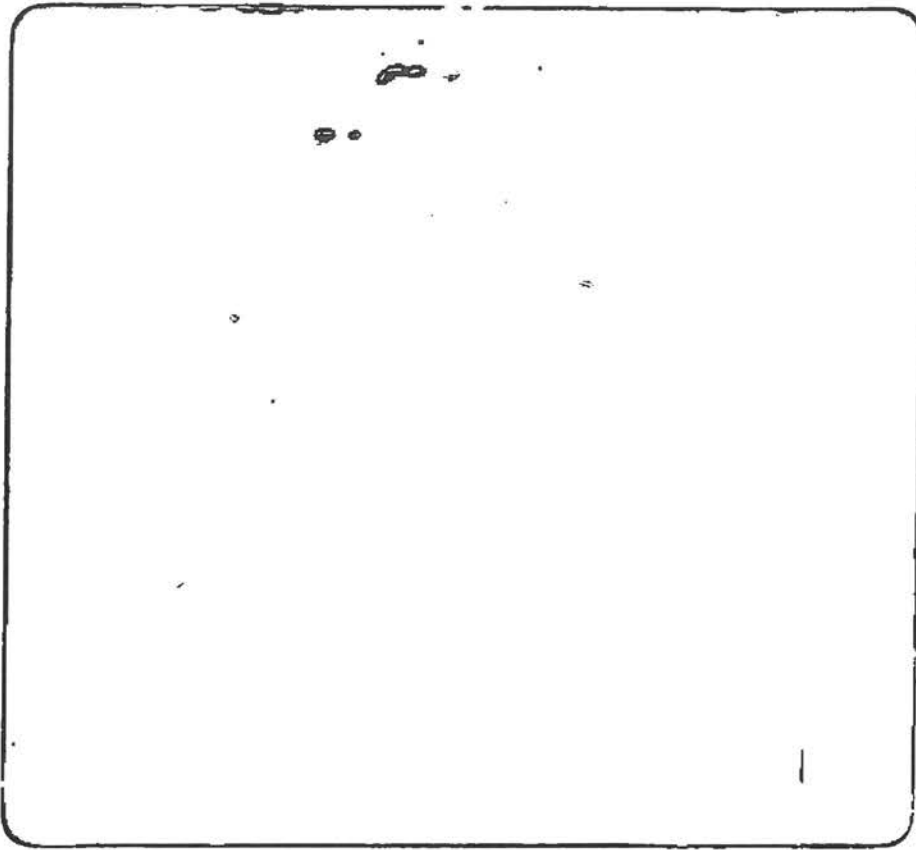


**CERTIFIED MAIL**



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0000336734 DEC 01 2017



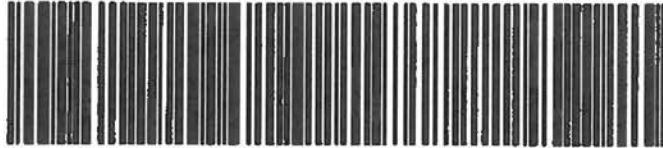


Office of the Secretary of State  
Building 1 Suite 157-K  
1900 Kanawha Blvd E.  
Charleston, WV 25305



**Mac Warner**  
Secretary of State  
State of West Virginia  
Phone: 304-558-6000  
886-767-8883  
Visit us online:  
[www.wvsos.com](http://www.wvsos.com)

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RESCARE BEHAVIOR SERVICES, INC.  
C. T. Corporation System  
5400 D Big Tyler Road  
CHARLESTON, WV 25313

**Control Number: 206521**

**Defendant: RESCARE BEHAVIOR SERVICES,  
INC.  
5400 D Big Tyler Road  
CHARLESTON, WV 25313 US**

**Agent: C. T. Corporation System**

**County: Kanawha**

**Civil Action: 17-C-1519**

**Certified Number: 92148901125134100002194748**

**Service Date: 11/30/2017**

I am enclosing:

**1 summons and complaint**

which was served on the Secretary at the State Capitol as your statutory attorney-in-fact. According to law, I have accepted service of process in the name and on behalf of your corporation.

*Please note that this office has no connection whatsoever with the enclosed documents other than to accept service of process in the name and on behalf of your corporation as your attorney-in-fact. Please address any questions about this document directly to the court or the plaintiff's attorney, shown in the enclosed paper, not to the Secretary of State's office.*

Sincerely,

A handwritten signature in cursive script that reads "Mac Warner".

Mac Warner  
Secretary of State

SUMMONS

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

DWAN L. BROWN, by his Conservator  
and Guardian, HOLLIE J. BROWN and  
GLORIA BROWN, and HOLLIE J. BROWN  
and GLORIA BROWN,

Plaintiffs,

v.

CIVIL ACTION NO. 17-

RES-CARE, INC., SOUTHERN HOME  
CARE SERVICES, INC. d/b/a RESCARE,  
HOME CARE, and RESCARE BEHAVIOR  
SERVICES, INC.,

Defendants.

ACCEPTED FOR  
SERVICE OF PROCESS  
2017 NOV 30 P 4: 03  
CLERK OF STATE  
STATE OF WEST VIRGINIA

To the above-named Defendant: **RESCARE BEHAVIOR SERVICES, INC.**  
**C/O CT CORPORATION SYSTEM**  
**5400 D BIG TYLER ROAD**  
**CHARLESTON, WV 25313**

**IN THE NAME OF THE STATE OF WEST VIRGINIA**, you are hereby summoned and required to serve upon **ANDREW S. NASON**, Plaintiff's attorney, whose address is **8 Hale Street, Charleston, West Virginia 25301**, an answer, including any related counterclaim you may have, to the Complaint filed against you in the above-styled civil action, a true copy of which is herewith delivered to you. You are required to serve your answer within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint and you will be thereafter barred from asserting in another action any claim you may have which must be asserted by counterclaim in the above styled civil action.

Dated: 11/16/17

**Cathy S. Gatson, Clerk**

CLERK OF COURT

*C. Atkins*

By: Deputy Clerk

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

DWAN L. BROWN, by his Conservator  
and Guardian, HOLLIE J. BROWN and  
GLORIA BROWN, and HOLLIE J. BROWN  
and GLORIA BROWN,

Plaintiffs,

v.

CIVIL ACTION NO. 17-C-1519

RES-CARE, INC., SOUTHERN HOME  
CARE SERVICES, INC. d/b/a RESCARE,  
HOME CARE, and RESCARE BEHAVIOR  
SERVICES, INC.,

Defendants.

**COMPLAINT**

Holly J. Brown and Gloria Brown, individually and as Guardian and Conservator for Dwan L. Brown, claimants herein, by and through counsel state as follows:

1. That the Plaintiff, Dwan L. Brown, is a protected person and a resident of Kanawha County, West Virginia.

2. That Hollie J. Brown and Gloria Brown are the parents of Dwan L. Brown and are the duly-appointed conservator and Guardian of Dwan L. Brown by Order of the Circuit Court of Kanawha County, West Virginia entered on March 11, 2016.

3. That Res-Care, Inc. is, on information and belief, the parent corporation; that Rescare, Home Care is the trade name for Southern Home Care Services, Inc. and Rescare Behavior Services, Inc. are, on information and belief, providing services to the Plaintiff.

4. That all of the Defendants herein are Kentucky corporations, or corporations licensed and/or authorized to conduct business in the State of West Virginia, and at all times relevant to the complaint herein were providing residential care services and other care services in Kanawha County, West

FILED  
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2017 NOV -6 P 1:51  
CATHY S. GATSON, CLERK  
KANAWHA COUNTY CIRCUIT COURT

Tabit



Virginia and operate a facility in St. Albans, West Virginia at 222 Hudson Street, St. Albans, West Virginia providing personal care services to disabled West Virginians.

5. That at all times relevant herein the Defendants owned and operated that personal care home located at 222 Hudson Street, St. Albans, Kanawha County, West Virginia.

6. That Dwan L. Brown was a resident of the personal care home Defendants owned and operated as a care home, personal care home which provide shelter, sustenance, therapy dispenses medication, and provides other care services at the Defendants' care home for the period from up to the time of his admission to Thomas Memorial Hospital on November 4, 2015 and thereafter.

7. That at all times relevant, the Defendants employed various medical providers, care provider, therapeutic and professional staff at their care home, and these employees/servants/agents whose names and identities are not yet fully known due to the illegible nature of the Defendants' records, were acting within the scope of their employment when they rendered care to Swan Brown, and they failed to follow the applicable standard of care during their care and treatment of Dwan Brown at the 222 Hudson Street, St. Albans, West Virginia, which proximately resulted in a physical injury to Dwan Brown and proximately cause injury and resulting in medical treatment.

8. That the acts of negligence or malpractice occasioned by the Defendants that proximately resulted in the injury to Dwan Brown, occurred on or about November 4, 2015 and thereafter including the summer of 2017 and thereafter, occurred in Kanawha County, West Virginia.

9. That the standard of medical/supervised care applicable to the Defendants was to provide the proper daily care, supervision and oversight to prevent him from having access to and swallowing foreign objects in his daily activities which resulted in foreign objects being ingested by him which was resulted in a surgical procedure to remove those objects.



10. As a direct and proximate result of the Defendants' actions, by and through their employees/servants/agents, by breaching the applicable standard of care owed to Dwan Brown by failing to provide all of the proper care, supervision and protection, Dwan Brown sustained a physical injury to his body resulting in invasive surgery.

11. That as a direct and proximate result of the breach of the applicable standard of medical care by the Defendants, by and through their employees/servants/agents, Dwan Brown 1) suffered conscious pain and suffering in the past; 2) incurred medical expenses in the past; 3) suffered mental anguish; and 4) suffered physical injuries.

12. That all of the injuries and damages sustained by Dwan Brown are, by and through his parents and legal guardians and conservators, were the direct and proximate result of the negligent actions and breaches of the applicable standards of care by all of the Defendants, by and through their employees/servants/agents, without any act or omission on the part of Dwan Brown, or on the part of any of the Plaintiffs herein, directly thereunto contributing.

13. That Dwan Brown and all of the Plaintiffs herein did not assume the risk of the injuries to Dwan Brown.

14. The Plaintiffs have complied with their statutory prefiling requirements required by West Virginia statutory law.

**COUNT I: NEGLIGENCE – BREACH OF THE STANDARD OF CARE**

The Plaintiffs reallege and incorporate by reference herein all of the allegations contained in paragraphs 1 through 12 above.

15. That on or before November 4, 2015 and prior to mid-2017, and thereafter, the Defendants, by and through their employees/servants/agents breached the applicable standard of care owed to Dwan Brown, which directly caused a physical injury to the patient and was the direct and proximate cause of all of the injuries and damages being pursued by the Plaintiffs in the case at bar.

WHEREFORE, the Plaintiffs claim monetary damages up to the statutory amount against the Defendants individually in an amount to be determined at trial, plus costs, and for any further relief that this Honorable Court determines necessary and appropriate.

DWAN L. BROWN, by his Conservator  
and Guardian, HOLLIE J. BROWN and  
GLORIA BROWN, and HOLLIE J. BROWN  
and GLORIA BROWN,

By Counsel



---

Andrew S. Nason (WV Bar No. 2707)  
Pepper & Nason  
8 Hale Street  
Charleston, WV 25301  
304-346-0361  
*Counsel for Plaintiffs*



**Service of Process  
Transmittal**

12/04/2017

CT Log Number 532410533

**TO:** Steve Reed  
Res-Care, Inc.  
9901 Linn Station Rd  
Louisville, KY 40223-3808

**RE: Process Served in West Virginia**

**FOR:** Res-Care, Inc. (Domestic State: KY)

**ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:**

**TITLE OF ACTION:** DWAN L. BROWN, etc., et al., Pltfs. vs. RES-CARE, INC., et al., Dfts.

**DOCUMENT(S) SERVED:** Letter, Summons, Complaint

**COURT/AGENCY:** Kanawha County Circuit Court, WV  
Case # 17C1519

**NATURE OF ACTION:** Medical Injury - Improper Care and Treatment

**ON WHOM PROCESS WAS SERVED:** C T Corporation System, Charleston, WV

**DATE AND HOUR OF SERVICE:** By Certified Mail on 12/04/2017 postmarked on 12/01/2017

**JURISDICTION SERVED :** West Virginia

**APPEARANCE OR ANSWER DUE:** Within 30 days after service, exclusive of the day of service

**ATTORNEY(S) / SENDER(S):** Andrew S. Nason  
Pepper & Nason  
8 Hale Street  
Charleston, WV 25301  
304-346-0361

**ACTION ITEMS:** CT has retained the current log, Retain Date: 12/05/2017, Expected Purge Date: 12/10/2017

Image SOP

Email Notification, Steve Reed Steve.Reed@rescare.com

Email Notification, Sarah Potter sarah.potter@rescare.com

Email Notification, Brittany Buzick brittany.buzick@rescare.com

Email Notification, Jeff Chapuran jeff.chapuran@rescare.com

Email Notification, Deanna Atchley Deanna.Atchley@rescare.com

**SIGNED:** C T Corporation System

**ADDRESS:** 5400 D Big Tyler Road  
Charleston, WV 25313

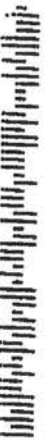
**TELEPHONE:** 919-821-7139

**CERTIFIED MAIL**



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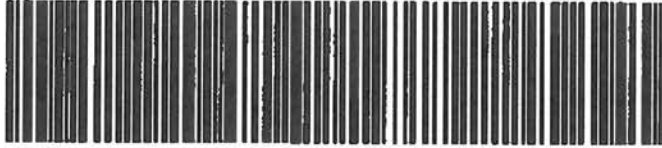
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Office of the Secretary of State  
Building 1 Suite 157-K  
1900 Kanawha Blvd E.  
Charleston, WV 25305

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RES-CARE, INC.  
C. T. Corporation System  
5400 D Big Tyler Road  
CHARLESTON, WV 25313



**Mac Warner**  
Secretary of State  
State of West Virginia  
Phone: 304-558-6000  
886-767-8883  
Visit us online:  
[www.wvsos.com](http://www.wvsos.com)

Control Number: 206520

Defendant: RES-CARE, INC.  
5400 D Big Tyler Road  
CHARLESTON, WV 25313 US

Agent: C. T. Corporation System

County: Kanawha

Civil Action: 17-C-1519

Certified Number: 92148901125134100002194731

Service Date: 11/30/2017

I am enclosing:

**1 summons and complaint**

which was served on the Secretary at the State Capitol as your statutory attorney-in-fact. According to law, I have accepted service of process in the name and on behalf of your corporation.

*Please note that this office has no connection whatsoever with the enclosed documents other than to accept service of process in the name and on behalf of your corporation as your attorney-in-fact. Please address any questions about this document directly to the court or the plaintiff's attorney, shown in the enclosed paper, not to the Secretary of State's office.*

Sincerely,

Mac Warner  
Secretary of State

SUMMONS

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

DWAN L. BROWN, by his Conservator  
and Guardian, HOLLIE J. BROWN and  
GLORIA BROWN, and HOLLIE J. BROWN  
and GLORIA BROWN,

Plaintiffs,

v.

CIVIL ACTION NO. 17-

RES-CARE, INC., SOUTHERN HOME  
CARE SERVICES, INC. d/b/a RESCARE,  
HOME CARE, and RESCARE BEHAVIOR  
SERVICES, INC.,

Defendants.

To the above-named Defendant: **RES-CARE, INC.**  
**C/O CT CORPORATION SYSTEM**  
**5400 D BIG TYLER ROAD**  
**CHARLESTON, WV 25313**

ACCEPTED FOR  
SERVICE OF PROCESS  
2017 NOV 30 P 4:03  
SECRETARY OF STATE  
STATE OF WEST VIRGINIA

IN THE NAME OF THE STATE OF WEST VIRGINIA, you are hereby summoned and required to serve upon **ANDREW S. NASON**, Plaintiff's attorney, whose address is **8 Hale Street, Charleston, West Virginia 25301**, an answer, including any related counterclaim you may have, to the Complaint filed against you in the above-styled civil action, a true copy of which is herewith delivered to you. You are required to serve your answer within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint and you will be thereafter barred from asserting in another action any claim you may have which must be asserted by counterclaim in the above styled civil action.

Dated: 11/6/17

Cathy S. Gatson, Clerk

CLERK OF COURT

C. Atkins

By: Deputy Clerk

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

DWAN L. BROWN, by his Conservator  
and Guardian, HOLLIE J. BROWN and  
GLORIA BROWN, and HOLLIE J. BROWN  
and GLORIA BROWN,

Plaintiffs,

v.

RES-CARE, INC., SOUTHERN HOME  
CARE SERVICES, INC. d/b/a RESCARE,  
HOME CARE, and RESCARE BEHAVIOR  
SERVICES, INC.,

Defendants.

CIVIL ACTION NO. 17-C-1519

Tab 1

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CATHY S. GATSON, CLERK  
KANAWHA COUNTY CIRCUIT COURT

COMPLAINT

Holly J. Brown and Gloria Brown, individually and as Guardian and Conservator for Dwan L. Brown, claimants herein, by and through counsel state as follows:

1. That the Plaintiff, Dwan L. Brown, is a protected person and a resident of Kanawha County, West Virginia.
2. That Hollie J. Brown and Gloria Brown are the parents of Dwan L. Brown and are the duly-appointed conservator and Guardian of Dwan L. Brown by Order of the Circuit Court of Kanawha County, West Virginia entered on March 11, 2016.
3. That Res-Care, Inc. is, on information and belief, the parent corporation; that Rescare, Home Care is the trade name for Southern Home Care Services, Inc. and Rescare Behavior Services, Inc. are, on information and belief, providing services to the Plaintiff.
4. That all of the Defendants herein are Kentucky corporations, or corporations licensed and/or authorized to conduct business in the State of West Virginia, and at all times relevant to the complaint herein were providing residential care services and other care services in Kanawha County, West



Virginia and operate a facility in St. Albans, West Virginia at 222 Hudson Street, St. Albans, West Virginia providing personal care services to disabled West Virginians.

5. That at all times relevant herein the Defendants owned and operated that personal care home located at 222 Hudson Street, St. Albans, Kanawha County, West Virginia.

6. That Dwan L. Brown was a resident of the personal care home Defendants owned and operated as a care home, personal care home which provide shelter, sustenance, therapy dispenses medication, and provides other care services at the Defendants' care home for the period from up to the time of his admission to Thomas Memorial Hospital on November 4, 2015 and thereafter.

7. That at all times relevant, the Defendants employed various medical providers, care provider, therapeutic and professional staff at their care home, and these employees/servants/agents whose names and identities are not yet fully known due to the illegible nature of the Defendants' records, were acting within the scope of their employment when they rendered care to Swan Brown, and they failed to follow the applicable standard of care during their care and treatment of Dwan Brown at the 222 Hudson Street, St. Albans, West Virginia, which proximately resulted in a physical injury to Dwan Brown and proximately cause injury and resulting in medical treatment.

8. That the acts of negligence or malpractice occasioned by the Defendants that proximately resulted in the injury to Dwan Brown, occurred on or about November 4, 2015 and thereafter including the summer of 2017 and thereafter, occurred in Kanawha County, West Virginia.

9. That the standard of medical/supervised care applicable to the Defendants was to provide the proper daily care, supervision and oversight to prevent him from having access to and swallowing foreign objects in his daily activities which resulted in foreign objects being ingested by him which was resulted in a surgical procedure to remove those objects.

10. As a direct and proximate result of the Defendants' actions, by and through their employees/servants/agents, by breaching the applicable standard of care owed to Dwan Brown by failing to provide all of the proper care, supervision and protection, Dwan Brown sustained a physical injury to his body resulting in invasive surgery.

11. That as a direct and proximate result of the breach of the applicable standard of medical care by the Defendants, by and through their employees/servants/agents, Dwan Brown 1) suffered conscious pain and suffering in the past; 2) incurred medical expenses in the past; 3) suffered mental anguish; and 4) suffered physical injuries.

12. That all of the injuries and damages sustained by Dwan Brown are, by and through his parents and legal guardians and conservators, were the direct and proximate result of the negligent actions and breaches of the applicable standards of care by all of the Defendants, by and through their employees/servants/agents, without any act or omission on the part of Dwan Brown, or on the part of any of the Plaintiffs herein, directly thereunto contributing.

13. That Dwan Brown and all of the Plaintiffs herein did not assume the risk of the injuries to Dwan Brown.

14. The Plaintiffs have complied with their statutory prefiling requirements required by West Virginia statutory law.

**COUNT I: NEGLIGENCE – BREACH OF THE STANDARD OF CARE**

The Plaintiffs reallege and incorporate by reference herein all of the allegations contained in paragraphs 1 through 12 above.

15. That on or before November 4, 2015 and prior to mid-2017, and thereafter, the Defendants, by and through their employees/servants/agents breached the applicable standard of care owed to Dwan Brown, which directly caused a physical injury to the patient and was the direct and proximate cause of all of the injuries and damages being pursued by the Plaintiffs in the case at bar.

WHEREFORE, the Plaintiffs claim monetary damages up to the statutory amount against the Defendants individually in an amount to be determined at trial, plus costs, and for any further relief that this Honorable Court determines necessary and appropriate.

DWAN L. BROWN, by his Conservator  
and Guardian, HOLLIE J. BROWN and  
GLORIA BROWN, and HOLLIE J. BROWN  
and GLORIA BROWN.

By Counsel



---

Andrew S. Nason (WV Bar No. 2707)  
Pepper & Nason  
8 Hale Street  
Charleston, WV 25301  
304-346-0361  
*Counsel for Plaintiffs*





**Service of Process  
Transmittal**

12/04/2017

CT Log Number 532410440

**TO:** Steve Reed  
Res-Care, Inc.  
9901 Linn Station Rd  
Louisville, KY 40223-3808

**RE: Process Served in West Virginia**

**FOR:** Southern Home Care Services, Inc. (Domestic State: GA)  
*According to our records representation services for this entity have been discontinued in this jurisdiction.*

**ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:**

**TITLE OF ACTION:** DWAN L. BROWN, etc., et al., Pltfs. vs. RES-CARE, INC., et al., Dfts. // To: Southern Home Care Services, Inc.

**DOCUMENT(S) SERVED:** Summons, Complaint

**COURT/AGENCY:** Kanawha County Circuit Court, WV  
Case # 17C1519

**NATURE OF ACTION:** BREACH OF THE STANDARD OF CARE

**ON WHOM PROCESS WAS SERVED:** C T Corporation System, Charleston, WV

**DATE AND HOUR OF SERVICE:** By Certified Mail on 12/04/2017 postmarked on 12/01/2017

**JURISDICTION SERVED :** West Virginia

**APPEARANCE OR ANSWER DUE:** Within 30 days after service, exclusive of the day of service

**ATTORNEY(S) / SENDER(S):** Andrew S. Nason  
Pepper & Nason  
8 Hale Street  
Charleston, WV 25301  
304-346-0361

**ACTION ITEMS:** CT has retained the current log, Retain Date: 12/05/2017, Expected Purge Date: 12/10/2017

Image SOP

Email Notification, Steve Reed Steve.Reed@rescare.com

Email Notification, Sarah Potter sarah.potter@rescare.com

Email Notification, Brittany Buzick brittany.buzick@rescare.com

Email Notification, Jeff Chapuran jeff.chapuran@rescare.com

Email Notification, Deanna Atchley Deanna.Atchley@rescare.com

**SIGNED:** C T Corporation System

**ADDRESS:** 5400 D Big Tyler Road  
Charleston, WV 25313

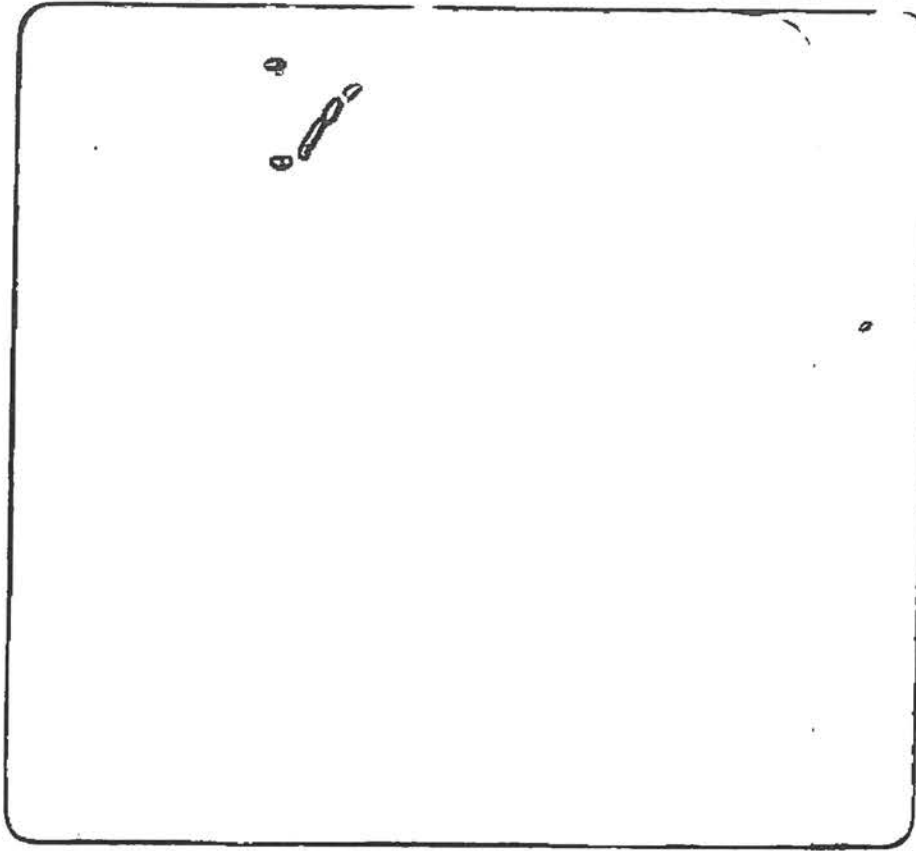
**TELEPHONE:** 919-821-7139

**CERTIFIED MAIL**



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ZIP 25311 \$ 005.99<sup>0</sup>  
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Office of the Secretary of State  
Building 1 Suite 157-K  
1900 Kanawha Blvd E.  
Charleston, WV 25305

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SOUTHERN HOME CARE SERVICES, INC.  
C. T. Corporation System  
5400 D Big Tyler Road  
CHARLESTON, WV 25313



**Mac Warner**  
Secretary of State  
State of West Virginia  
Phone: 304-558-6000  
886-767-8683  
Visit us online:  
[www.wvsos.com](http://www.wvsos.com)

Control Number: 206519

Defendant: SOUTHERN HOME CARE  
SERVICES, INC.  
5400 D Big Tyler Road  
CHARLESTON, WV 25313 US

Agent: C. T. Corporation System

County: Kanawha

Civil Action: 17-C-1519

Certified Number: 92148901125134100002194724

Service Date: 11/30/2017

I am enclosing:

1 summons and complaint

which was served on the Secretary at the State Capitol as your statutory attorney-in-fact. According to law, I have accepted service of process in the name and on behalf of your corporation.

*Please note that this office has no connection whatsoever with the enclosed documents other than to accept service of process in the name and on behalf of your corporation as your attorney-in-fact. Please address any questions about this document directly to the court or the plaintiff's attorney, shown in the enclosed paper, not to the Secretary of State's office.*

Sincerely,

*Mac Warner*

Mac Warner  
Secretary of State



**SUMMONS**

**IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA**

DWAN L. BROWN, by his Conservator  
and Guardian, HOLLIE J. BROWN and  
GLORIA BROWN, and HOLLIE J. BROWN  
and GLORIA BROWN,

Plaintiffs,

v.

CIVIL ACTION NO. 17

RES-CARE, INC., SOUTHERN HOME  
CARE SERVICES, INC. d/b/a RESCARE,  
HOME CARE, and RESCARE BEHAVIOR  
SERVICES, INC.,

Defendants.

To the above-named Defendant: **SOUTHERN HOME CARE SERVICES, INC. d/b/a  
RESCARE, HOME CARE  
C/O CT CORPORATION SYSTEM  
5400 D BIG TYLER ROAD  
CHARLESTON, WV 25313**

ACCEPTED FOR  
SERVICE OF PROCESS  
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SECRETARY OF STATE  
STATE OF WEST VIRGINIA

**IN THE NAME OF THE STATE OF WEST VIRGINIA**, you are hereby summoned and required to serve upon **ANDREW S. NASON**, Plaintiff's attorney, whose address is **8 Hale Street, Charleston, West Virginia 25301**, an answer, including any related counterclaim you may have, to the Complaint filed against you in the above-styled civil action, a true copy of which is herewith delivered to you. You are required to serve your answer within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint and you will be thereafter barred from asserting in another action any claim you may have which must be asserted by counterclaim in the above styled civil action.

Dated: 11/6/17

**Cathy S. Gatson, Clerk**

CLERK OF COURT

*C. Atkins*

By: Deputy Clerk

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

DWAN L. BROWN, by his Conservator  
and Guardian, HOLLIE J. BROWN and  
GLORIA BROWN, and HOLLIE J. BROWN  
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CIVIL ACTION NO. 17-C-1519

RES-CARE, INC., SOUTHERN HOME  
CARE SERVICES, INC. d/b/a RESCARE,  
HOME CARE, and RESCARE BEHAVIOR  
SERVICES, INC.,

Defendants.

**COMPLAINT**

Holly J. Brown and Gloria Brown, individually and as Guardian and Conservator for Dwan L. Brown, claimants herein, by and through counsel state as follows:

1. That the Plaintiff, Dwan L. Brown, is a protected person and a resident of Kanawha County, West Virginia.

2. That Hollie J. Brown and Gloria Brown are the parents of Dwan L. Brown and are the duly-appointed conservator and Guardian of Dwan L. Brown by Order of the Circuit Court of Kanawha County, West Virginia entered on March 11, 2016.

3. That Res-Care, Inc. is, on information and belief, the parent corporation; that Rescare, Home Care is the trade name for Southern Home Care Services, Inc. and Rescare Behavior Services, Inc. are, on information and belief, providing services to the Plaintiff.

4. That all of the Defendants herein are Kentucky corporations, or corporations licensed and/or authorized to conduct business in the State of West Virginia, and at all times relevant to the complaint herein were providing residential care services and other care services in Kanawha County, West

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CATHY S. GATSON, CLERK  
KANAWHA COUNTY CIRCUIT COURT

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Virginia and operate a facility in St. Albans, West Virginia at 222 Hudson Street, St. Albans, West Virginia providing personal care services to disabled West Virginians.

5. That at all times relevant herein the Defendants owned and operated that personal care home located at 222 Hudson Street, St. Albans, Kanawha County, West Virginia.

6. That Dwan L. Brown was a resident of the personal care home Defendants owned and operated as a care home, personal care home which provide shelter, sustenance, therapy dispenses medication, and provides other care services at the Defendants' care home for the period from up to the time of his admission to Thomas Memorial Hospital on November 4, 2015 and thereafter.

7. That at all times relevant, the Defendants employed various medical providers, care provider, therapeutic and professional staff at their care home, and these employees/servants/agents whose names and identities are not yet fully known due to the illegible nature of the Defendants' records, were acting within the scope of their employment when they rendered care to Swan Brown, and they failed to follow the applicable standard of care during their care and treatment of Dwan Brown at the 222 Hudson Street, St. Albans, West Virginia, which proximately resulted in a physical injury to Dwan Brown and proximately cause injury and resulting in medical treatment.

8. That the acts of negligence or malpractice occasioned by the Defendants that proximately resulted in the injury to Dwan Brown, occurred on or about November 4, 2015 and thereafter including the summer of 2017 and thereafter, occurred in Kanawha County, West Virginia.

9. That the standard of medical/supervised care applicable to the Defendants was to provide the proper daily care, supervision and oversight to prevent him from having access to and swallowing foreign objects in his daily activities which resulted in foreign objects being ingested by him which was resulted in a surgical procedure to remove those objects.



10. As a direct and proximate result of the Defendants' actions, by and through their employees/servants/agents, by breaching the applicable standard of care owed to Dwan Brown by failing to provide all of the proper care, supervision and protection, Dwan Brown sustained a physical injury to his body resulting in invasive surgery.

11. That as a direct and proximate result of the breach of the applicable standard of medical care by the Defendants, by and through their employees/servants/agents, Dwan Brown 1) suffered conscious pain and suffering in the past; 2) incurred medical expenses in the past; 3) suffered mental anguish; and 4) suffered physical injuries.

12. That all of the injuries and damages sustained by Dwan Brown are, by and through his parents and legal guardians and conservators, were the direct and proximate result of the negligent actions and breaches of the applicable standards of care by all of the Defendants, by and through their employees/servants/agents, without any act or omission on the part of Dwan Brown, or on the part of any of the Plaintiffs herein, directly thereunto contributing.

13. That Dwan Brown and all of the Plaintiffs herein did not assume the risk of the injuries to Dwan Brown.

14. The Plaintiffs have complied with their statutory prefiling requirements required by West Virginia statutory law.

**COUNT I: NEGLIGENCE – BREACH OF THE STANDARD OF CARE**

The Plaintiffs reallege and incorporate by reference herein all of the allegations contained in paragraphs 1 through 12 above.

15. That on or before November 4, 2015 and prior to mid-2017, and thereafter, the Defendants, by and through their employees/servants/agents breached the applicable standard of care owed to Dwan Brown, which directly caused a physical injury to the patient and was the direct and proximate cause of all of the injuries and damages being pursued by the Plaintiffs in the case at bar.

WHEREFORE, the Plaintiffs claim monetary damages up to the statutory amount against the Defendants individually in an amount to be determined at trial, plus costs, and for any further relief that this Honorable Court determines necessary and appropriate.

DWAN L. BROWN, by his Conservator  
and Guardian, HOLLIE J. BROWN and  
GLORIA BROWN, and HOLLIE J. BROWN  
and GLORIA BROWN.

By Counsel



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Andrew S. Nason (WV Bar No. 2707)  
Pepper & Nason  
8 Hale Street  
Charleston, WV 25301  
304-346-0361  
*Counsel for Plaintiffs*